

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Office Action mailed August 28, 2006, claims 1-45 have been rejected. In response, the Applicant has submitted the following remarks and amended claim 1. Accordingly, claims 1-45 are still pending. Favorable reconsideration is respectfully requested in view of the amended claim and the remarks below.

Rejections Under 35 U.S.C. §102

Claims 1-3, 6-14, 17, 21-27, 29-32, 34-37, 39 and 41-45 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,057,758 to Dempsey et al. (hereinafter Dempsey). The Applicant respectfully disagrees with this rejection.

Within the Office Action, it is stated that Dempsey teaches a medical monitoring system including two portable electronic devices 100a, 100b, each having a processing circuit configured for receiving a different type of notification message from multiple patients 106 having radio frequency identification signals, each message having a unique identifier that is not the same. The Office Action cites Figures 3-5, column 7, lines 6-19 and line 63 through column 8, column 9, lines 18-55 and column 10, lines 8-45. These portions of the Dempsey reference include teachings of the hand-held terminals 100a and 100b receiving communications from a number of patient monitoring devices 106 or other components over a common LAN 102. While the Applicant agrees that the hand-held terminals 100a and 100b may receive messages from a variety of devices having unique identifier addresses, the LAN 102 as taught in the Dempsey reference communicates to these hand-held terminals 100a and 100b over a common protocol. The Applicant respectfully points the Examiner to column 7, lines 1-5 where the Dempsey reference teaches that "...one or more selected hand-held terminals, using a similar scheme..." which illustrates the LAN 102 communicates with a number of devices over a common protocol. This passage also indicates that the LAN may use a TCP/IP or MAC address identifier for each of the devices on the LAN 102. Therefore, in fact, Dempsey actually teaches away from a device having **two separate transceivers that communicate with peripheral devices in two separate and distinct protocols.**

As is further discussed by the Examiner in the Office Action, Dempsey discloses a system including at least two portable electronic devices as a first unit 100a and second unit 100b, such that more than one doctor may receive a physiological notification message from a patient 300a. The first and second portable electronic devices 100a, 100b are separate devices each having a single transceiver, which are designed to be carried by clinicians, caregivers or doctors, and receive live physiological data in a remote location from a patient device 106 via radio wireless signal in a common protocol.

However, Dempsey does not teach **a single portable electronic device having two wireless transceivers** coupled to a processing circuit, wherein both wireless transceivers are configured to receive data associated with notification messages in two separate and different protocols. In other words, the portable electronic device and system of the present invention is configured to receive notification messages from a number of different transfer methods or protocols, e.g., by cellular data transfer, by wireless local area network, an IEEE 802.11 protocol or any other protocol known in the art. The Applicant respectfully submits that no portion of Dempsey teaches such functionality as is described and claimed in the present invention.

Claim 1 directed to a portable electronic device for use in a medical monitoring system, wherein the medical monitoring system generates a notification message indicating that a patient being monitored may have a condition that requires attention and wirelessly transfers the notification message to the portable electronic device, comprising a processing circuit configured to receive the data associated with the notification messages, a first wireless transceiver coupled to the processing circuit and configured to receive data associated with the notification messages and transfer at least some of the data to the processing circuit, the first wireless transceiver configured to operate using a first wireless data transfer method, and a second wireless transceiver coupled to the processing circuit and configured to receive data associated with the notification message and transfer at least some of the data to the processing circuit the second wireless transceiver configured to operate using a second wireless data transfer method different from that of the first wireless transfer method. As discussed above, Dempsey does not teach a single portable electronic device having two wireless transceivers configured to operate using two separate and distinct

wireless protocols. For at least these reason, the independent claim 1 is allowable over the teachings of Dempsey.

Claims 2-3 and 6-8 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Dempsey. Accordingly, claims 2-3 and 6-8 are also allow as being dependent upon an allowable base claim.

The independent claims 9, 21, 29, 35, 37, 39 and 43 all include the limitations that the system or method as described in the present invention include utilizing two separate and distinct wireless protocols if a patient has a condition that may require attention. For the same reasons as discussed with regards to the independent claim 1, the independent claims 9, 21, 29, 35, 37, 39 and 43 are all also allowable over the teachings of Dempsey.

Claims 10-14, 17, 22-27, 30-32, 34, 36, 41-42 and 44-45 are all dependent upon the independent claims 9, 21, 29, 35, 39 and 43. As discussed above, the independent claims 9, 21, 29, 35, 39, and 43 are allowable over the teachings of Dempsey. Accordingly, claims 10-14, 22-27, 30-32, 34, 36, 41-42 and 44-45 are also allowable as being dependent upon an allowable base claim.

Rejections Under 35 U.S.C. §103

Claims 20, 28 and 40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dempsey. Claims 20, 28 and 40 are dependent upon the independent claims 9, 21 and 39. As discussed above, the independent claims 9, 21 and 39 are allowable over the teachings of Dempsey. Accordingly, claims 20, 28 and 40 are also allowable as being dependent upon an allowable base claim.

Claims 4-5, 15-16, 18-19, 33 and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dempsey in view of U.S. Patent No. 6,602,191 to Quay (hereinafter Quay). Claims 4-5, 15-16, 18-19, 33 and 38 are dependent upon the independent claims 1, 9, 29 and 37. As discussed above, the independent claims 1, 9, 29 and 37 are allowable over the teachings of Dempsey. Accordingly, claims 4-5, 15-16, 18-19, 33 and 38 are also allowable as being dependent upon an allowable base claim.

For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the

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Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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